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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AUG - 6 2007

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DOCKET NO. W-04291A-04-0843

PROCEDURAL ORDER

COMMISSIONERS

MIKE GLEASON - Chairman

WILLIAM A. MUNDELL

JEFF HATCH-MILLER

KRISTIN K. MAYES

GARY PIERCE

2007 AUG -6 A 10:44

AZ CORP COMMISSION

DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
AERIE CONSERVANCY, AN ARIZONA
NONPROFIT CORPORATION, FOR
ADJUDICATION THAT IT IS NOT A PUBLIC
SERVICE CORPORATION.

BY THE COMMISSION:

On November 24, 2004, Aerie Conservancy ("Aerie") filed with the Arizona Corporation Commission ("Commission") an application for adjudication that it is not a public service corporation under Arizona law.

On June 1, 2005, the Commission issued Decision No. 67881 in this docket.

On June 1, 2007, Aerie filed a request for a 120-day extension of time to comply with certain requirements of Decision No. 67881.

On July 2, 2007, a Procedural Order was issued directing the Commission's Utilities Division Staff ("Staff") to file a response and recommendation to the Commission regarding Aerie's June 1, 2007 request.

On July 16, 2007, Staff filed a Memorandum response and recommendation to the Commission. Aerie's request for an extension of time concerns the condition of Decision No. 67881 requiring that Aerie file, within 24 months of the Decision, a copy of the Arizona Department of Environmental Quality ("ADEQ") Approval of Construction for infrastructure including a well, a booster pump, a 120,000 gallon storage tank, and distribution infrastructure for lots 1-41 of the development.

Staff states that Aerie has confirmed that the construction associated with the deadline extension request is substantially complete, and that Aerie's remaining compliance effort centers on

1 the scheduling of inspections and overall review by ADEQ. Staff recommends approval of Aerie's
2 request. Staff further recommends that in order to assure adequate time for the ADEQ review
3 associated with the condition, the extension of time be granted to December 31, 2007.

4 Aerie's request and Staff's recommendations are reasonable and should be granted.

5 IT IS THEREFORE ORDERED that Aerie Conservancy is hereby granted an extension of
6 time to December 31, 2007, to file the Arizona Department of Environmental Quality Approval of
7 Construction as required by Decision No. 67881.

8 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
9 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

10 DATED this 6th day of August, 2007

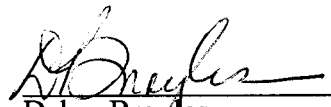
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13 
14 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this 6th day of August, 2007 to:

17 Jeffrey W. Crockett
18 Marcie A. Shuman
19 SNELL & WILMER
One Arizona Center
400 East Van Buren Street
Phoenix, AZ 85004-2202

20 Christopher Kempley, Chief Counsel
21 Legal Division
ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
Phoenix, Arizona 85007

23 Ernest G. Johnson, Director
24 Utilities Division
ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
Phoenix, Arizona 85007

26
27 By: 
28 Debra Broyles
Secretary to Teena Wolfe